

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA, : S1: 20cr0052 (DLC)
:
-v- :
:
EDGAR MONTES, :
:
Defendant. :
:
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DENISE COTE, District Judge:

Defendant Edgar Montes, who is in custody, is represented by appointed counsel James Roth, Esq. The defendant's trial is scheduled to begin on November 2, 2020. The defendant's pretrial motions are due August 24, 2020; the Government's opposition is due September 8.

On June 19, Cesar De Castro, Esq. filed a notice of appearance. Before Mr. Roth is relieved or an appearance by Mr. De Castro is accepted, the Court must make inquiry of the defendant and counsel. Accordingly, it is hereby

ORDERED that a conference is scheduled for Wednesday, **July 29, 2020 at 11:00 a.m.**

IT IS FURTHER ORDERED that the defendant shall inform the Court by Friday, **July 17, 2020** at **noon**, whether he prefers that the conference occur in court, in Courtroom 18B, 500 Pearl Street, or via videoconference through the CourtCall platform. Should the defendant prefer the CourtCall platform, defense

counsel shall discuss the attached form, Waiver of Right to be Present at Criminal Proceeding, with the defendant. If the defendant consents, and is able to sign the form, defense counsel shall file the executed form **at least 24 hours prior to the proceeding**. In the event the defendant consents, but counsel is unable to obtain the defendant's physical signature on the form, the Court will conduct an inquiry at the outset of the proceeding to determine whether it is appropriate for the Court to add the defendant's signature to the form.

Dated: New York, New York
July 15, 2020


DENISE COTE
United States District Judge

April 2, 2020

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-v-

**WAIVER OF RIGHT TO BE PRESENT AT
CRIMINAL PROCEEDING**

Defendant.

-CR- () ()

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Conference

I have been charged in an indictment with violations of federal law. I understand that I have a right to be present at all conferences concerning this indictment that are held by a judge in the Southern District of New York, unless the conference involves only a question of law. I understand that at these conferences the judge may, among other things, 1) set a schedule for the case including the date at which the trial will be held, and 2) determine whether, under the Speedy Trial Act, certain periods of time should be properly excluded in setting the time by which the trial must occur. I have discussed these issues with my attorney and wish to give up my right to be present at the conferences. By signing this document, I wish to advise the court that I willingly give up my right to be present at the conferences in my case for the period of time in which access to the courthouse has been restricted on account of the COVID-19 pandemic. I request that my attorney be permitted to represent my interests at the proceedings even though I will not be present.

Date:

Signature of Defendant

Print Name

I hereby affirm that I am aware of my obligation to discuss with my client the charges contained in the indictment, my client's rights to attend and participate in the criminal proceedings encompassed by this waiver, and this waiver form. I affirm that my client knowingly and voluntarily consents to the proceedings being held in my client's absence. I will inform my client of what transpires at the proceedings and provide my client with a copy of the transcript of the proceedings, if requested.

Date:

Signature of Defense Counsel

Print Name

Addendum for a defendant who requires services of an interpreter:

I used the services of an interpreter to discuss these issues with the defendant. The interpreter also translated this document, in its entirety, to the defendant before the defendant signed it. The interpreter's name is:

_____.

Date:

Signature of Defense Counsel

Accepted:

Signature of Judge

Date: